

Message Text

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ORIGIN L-02

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FM SECSTATE WASHDC

TO AMEMBASSY DAKAR

C O N F I D E N T I A L STATE 027339

FOL TEL SENT ACTION PARIS FROM SECSTATE DTD 04 FEB 1976 RPTD
YOU QUOTE

C O N F I D E N T I A L STATE 027339

E.O. 11652: GDS

TAGS: PFOR, SNAR, SG

SUBJECT:UNITED STATES V. ORSINI

REFS: A) PARIS 3346

B) PARIS 33099 (1975)

1. AS REQUESTED REF A STATUS OF ORSINI CASE IS AS FOLLOWS:
CASE REMAINS IN PRE-TRIAL HEARING STAGE DURING WHICH
DEFENSE IS SEEKING SERIES OF RULINGS FROM COURT ON ITS
JURISDICTIONAL CAPABILITY TO TRY CASE. GINO GALENA
(ORSINI DEFENSE COUNSEL) IS ATTEMPTING ESTABLISH A
"TOSCANINO TYPE DEFENSE" (BASED ON FAMOUS RULING OF
SECOND CIRCUIT COURT IN CASE OF U.S. V. TOSCANINO).
HE IS ALLEGING AN ILLEGAL ARREST OF ORSINI BY SENEGALESE,
TORTURE AND BRUTAL TREATMENT DURING PERIOD OF ARREST AND
ABDUCTION FROM SENEGAL BY OFFICIALS OF U.S. ALL THESE
ALLEGATIONS FORM A LOOSE SIMILARITY TO THOSE IN TOSCANINO.
JUDGE HAS HEARD FROM ALL U.S. OFFICIALS INVOLVED IN MOVE-
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MENT OF ORSINI FROM DAKAR TO NEW YORK AND IS CONSIDERING

DEFENSE MOTIONS TO TAKE DEPOSITIONS IN ARGENTINA AND SENEGAL. COURT EXPECTED TO RULE ON DEPOSITION REQUESTS ON FEBRUARY 12; HOWEVER THERE IS NO INDICATION WHEN HE WILL RULE ON THE BASIC JURISDICTIONAL ISSUE. U.S. ATTORNEY

ESTIMATES TRIAL WILL LIKELY TAKE PLACE IN LATE MARCH OR EARLY APRIL.

2. DEPT HAS NOT RECEIVED ANY DEMARCHE FROM FRENCH EMBASSY AS SUGGESTED IN REF B. WE ARE CURIOUS AS TO WHETHER THERE WILL BE SUCH DEMARCHE AND WILL APPRECIATE ANY FURTHER INFORMATION WHICH EMBASSY MIGHT BE ABLE TO PROVIDE FROM ITS CONTACTS AT QUAI D'ORSAY. EMBASSY DISCRETION SHOULD, HOWEVER, BE USED IN MAKING SUCH INQUIRIES SO AS NOT TO GIVE GOF ANY ENCOURAGEMENT TO MAKE A DEMARCHE ON ORSINI. THERE IS POSSIBILITY FRENCH PROTEST COULD HAVE SOME ADVERSE EFFECT ON THE IASE UNDER RECENT SECOND CIRCUIT RULINGS.

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